

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

Representative District comprised of Limestone, Stockholm, Caswell Plantation, Cyr Plantation and Hamlin Plantation. Consequently, by virtue of section 29 of Chapter 360, the voters of the township of Connor may register and vote in any of these places.

Revised Statutes 1954, Chapter 10, section 22, paragraph XIX, provides that in statute construction "The word 'town' includes cities and plantations, unless otherwise expressed or implied." Also section 5 of the new election law provides "The provisions of this chapter pertaining to towns apply equally to plantations."

At the present time the voters of Connor are registered in Limestone in a separate polling place by virtue of section 65 of Chapter 5, Revised Statutes of 1954. Although this law has been repealed and will not be in effect on October 10, 1961, it would appear to be advisable to have the voters of Connor vote at their usual voting place and under their usual conditions rather than re-register in one of the other places in this representative district for this one Referendum Election.

Beginning with the June, 1962 primary, the provisions of section 29 of Chapter 360 of the Public Laws of 1961, and Chapter 81, Resolves of 1961, will be effective. In that and subsequent State elections through 1972, the voters of Connor will register, enroll and vote in any town within their representative district unless allowed individually to register in some other town by the Secretary of State. The new representative district is comprised of Van Buren, Caswell Plantation, Cyr Plantation, Hamlin Plantation and Connor. The voters of Connor may register and vote in any one of the other four places in that representative district.

We would call your attention to section 195 of Chapter 360, Public Laws of 1961, whereby the municipal officers may divide a town into voting districts.

GEORGE C. WEST

Deputy Attorney General

August 15, 1961

To: Maine Real Estate Commission

Re: New Fees

In your memo of August 14 you have asked for an opinion as to whether or not you are within your rights to notify the applicant for a license or an examination of the changes in the fees upon receipt of an application accompanied by fees in the amounts required prior to September 16.

Chapter 138, Public Laws of 1961, raised the fees for examination licenses and renewal of licenses. This chapter becomes effective September 16, 1961.

The date of the receipt of an application has no bearing on the amount of fee to be accepted. The important date is the date of the giving of an examination or the granting of a license, whichever is involved.

If the examination is to be held subsequent to September 16, the fee will be \$20.00 regardless of when the application for the examination is filed. If the license is to be granted subsequent to September 16, the fee will be that set forth in Chapter 138, Public Laws of 1961, regardless of when the application was filed.

Therefore, you are within your rights to notify the applicant of the increase in fees if his application is accompanied by the fees now in existence where the examination or the issuance of a license will not take place prior to September 16.

GEORGE C. WEST
Deputy Attorney General

August 18, 1961

To: George W. Bucknam, Deputy Commissioner of Inland Fisheries and Game

Re: Maine Boat Law — Dual Licensing

Reference is made to your memo of August 10, 1960, and the reply of September 16, 1960 from this office. This office has reviewed the reply and finds that it is in error. The reply should read as follows:

We have your memo of August 10, 1960 in which you ask if, under the provisions of the Maine Boat Law, you can require a person to obtain a license and pay the two dollars (\$2.00) fee for such license, for boat which is to be used on the waters of East Grand Lake, if that boat has already been issued a number by the U. S. Coast Guard.

Answer: Yes.

Our State Boating Act (Chapter 36-A, Revised Statutes of 1954, enacted by Public Laws of 1959, Chapter 349) complements and supplements the Federal Boating Act of 1958 (Public Law 85-911). Together, the federal law and the state act are meant to provide for a program of generally uniform laws and enforcement procedures to promote safety in recreational boating. See *Suggested State Legislation Program for 1959*, supplement Council of State Governments, page 20.

The State Boating Act, Section 3, provides that:

“. . . No person shall operate or give permission for the operation of any motorboat on such waters (waters of this State as defined in the act) unless the motorboat is numbered in accordance with this chapter, or in accordance with applicable federal law, or in accordance with a numbering system of the state of which he is a resident, and unless the certificate of number awarded to such motorboat is in full force and effect, and the identifying number set forth in the certificate of number is displayed on each side of the bow of such motorboat.”

Section 4, paragraph II, provides:

“The owner of any motorboat already covered by a number in full force and effect which has been awarded to it pursuant to federal law or a numbering system of the state of which he is a resident, *shall record the number prior to operating the motorboat on the waters of this State in excess of the 90 days reciprocity period provided for in section 6, subsection I.* Such recordation shall be in the manner and pursuant to the procedure required for the award of a number under subsection I, except that no additional substitute number shall be issued;” (Emphasis ours)

Although section 3 provides that no person shall operate or give permission for the operation of a motorboat on the waters of this State unless such motor-